

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

ADAM COGHILL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.: 3:21cv00119
	)	
CLOUDZ VAPOR LLC,	)	
dba CLOUDZ VAPOR,	)	
	)	
CLOUDZ VAPOR WHOLESALE, LLC,	)	
dba CLOUDZ VAPOR,	)	
	)	
CLOUDZ VAPOR MIDLOTHIAN, LLC,	)	
dba CLOUDZ VAPOR,	)	
	)	
CLOUDZ VAPOR SHORT PUMP, LLC,	)	
dba CLOUDZ VAPOR, and	)	
	)	
TEJAN BHATT,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

COME NOW defendants, Cloudz Vapor, LLC dba Cloudz Vapor, Cloudz Vapor Wholesale, LLC dba Cloudz Vapor, Cloudz Vapor Midlothian, LLC dba Cloudz Vapor, Cloudz Vapor Short Pump, LLC dba Cloudz Vapor (collectively, the “LLCs”), and Tejan Bhatt (“Bhatt”) (collectively, the LLCs and Bhatt are referred to herein as the “Defendants”), by counsel, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, hereby files its Notice of Removal of this action from the Circuit Court for the County of Chesterfield, Virginia to the United States District Court for the Eastern District of Virginia. As addressed herein below, this honorable Court has subject-matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(a) because there is complete diversity among the parties, and the amount in controversy as stated in the Complaint filed by the Plaintiff,

Adam Coghill (the “Plaintiff”), is in excess of \$75,000, exclusive of interest and costs. In further support of this Removal, Defendants states as follows:

### **INTRODUCTION**

1. Plaintiff initiated this action on February 3, 2021 by filing his Complaint in the Circuit Court for the County of Chesterfield, the said action being assigned case number CL21000317-00.

2. Plaintiff’s Complaint generally alleges that he suffered personal injuries arising out of the use of a defective Aegis Vape device and/or lithium ion battery purchased from one or more of the Defendants. (Compl. ¶¶14-26.) Defendants deny Plaintiff’s allegations.

### **GROUND FOR REMOVAL**

#### **I. REMOVAL IS PROPER BECAUSE THIS COURT HAS SUBJECT MATTER JURISDICTION PURSUANT TO 28 U.S.C. §§ 1332 AND 1441.**

##### **a. Removal is timely and the amount in controversy exceeds \$75,000.**

3. Removal is timely pursuant to 28 U.S.C. 1446(b) because Defendants’ Notice of Removal was made within thirty (30) days of service of the Summons and Complaint upon the Defendants.

4. The Complaint requests judgment against the defendants, jointly and severally, in the amount of \$3,000,000.00. (Compl., “Wherefore” clause.) As such, the amount in controversy exclusive of interest and costs, exceeds \$75,000.00 as required by 28 U.S.C. § 1332(a).

##### **b. There is complete diversity among the parties.**

5. Upon information and belief, at all relevant times hereto, including at the time of the filing of his Complaint and the instant Removal, Plaintiff was a resident, citizen and domicile of the Commonwealth of Virginia.

6. For the purposes of diversity of citizenship under U.S.C. § 1332, a limited liability company is a citizen of every state where its members are citizens. *Columbia Gas Transmission, LLC v. NGRC Dev., LLC*, 2018 U.S. Dist. LEXIS 137799, \*5, 2018 WL 3872114.

7. At all times relevant hereto, including at the time of the filing of Plaintiff's Complaint and the instant Removal, the LLC's sole member was Bhatt.

8. At all times relevant hereto, including at the time of the filing of Plaintiff's Complaint and the instant Removal, Bhatt was a resident, citizen and domicile of the State of North Carolina.

9. Accordingly, at all relevant times hereto, including at the time of the filing of Plaintiff's Complaint in state court and at the time of this Removal, there was and still is complete diversity among the parties, and removal is proper under 28 U.S.C. §§ 1332 and 1441(b).

c. Venue and other requirements are satisfied.

10. This Court has jurisdiction of this action by reason of diversity of citizenship pursuant to 28 U.S.C. §§ 1332(a)(1) and 1441(b). Venue for removal is proper in this District and Division, see 28 U.S.C. § 1441(a), because this District and Division embraces the Circuit Court for the County of Chesterfield, the forum in which the removed action was pending. See 28 U.S.C. § 81(a)(3). Thus, this Court is the proper venue for this action pursuant to 28 U.S.C. § 1441(a).

11. Defendants are not citizens of the Commonwealth of Virginia, the state where this action was originated. *See*, 28 U.S.C. § 1441(b)(2).

12. As counsel for each of the Defendants, the undersigned hereby certifies that all Defendants who have been properly joined and served join in and consent to the removal of this action.

13. Pursuant to 28 U.S.C. § 1446(a), true and legible copies of all process, pleadings and orders served upon Defendant in the original state court action as of this date are attached hereto as **Exhibit A**.

14. Pursuant to 28 U.S.C. § 1446(d), Defendants filed a written notice of removal with the Clerk of the Circuit Court for the County of Chesterfield, a copy (without exhibits) of which is attached hereto as **Exhibit B**. A copy of the instant Notice of Removal is being served upon Plaintiff's counsel of record as required by 28 U.S.C. § 1446(d).

15. If any question regarding the propriety of this Removal, Defendants respectfully request the opportunity to present a memorandum and/or oral argument in support of the position that the case is removable and conduct discovery related to the facts that support removal.

WHEREFORE, defendants, Cloudz Vapor, LLC dba Cloudz Vapor, Cloudz Vapor Wholesale, LLC dba Cloudz Vapor, Cloudz Vapor Midlothian, LLC dba Cloudz Vapor, Cloudz Vapor Short Pump, LLC dba Cloudz Vapor, and Tejan Bhatt respectfully remove this action from the Circuit Court for the County of Chesterfield pursuant to 28 U.S.C. §§ 1332, 1441 and 1446.

CLOUDZ VAPOR, LLC  
CLOUDZ VAPOR WHOLESALE, LLC  
CLOUDZ VAPOR MIDLOATHIAN  
CLOUDZ VAPOR SHORT PUMP and  
TEJAN BHATT

/s/ Mark C. Nanavati  
By Counsel

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*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that, on the 24<sup>th</sup> day of February, 2021, a true and accurate copy of the foregoing Notice of Removal was mailed, postage prepaid, to the following counsel of record:

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*Counsel for Plaintiff*

/s/ *Mark C. Nanavati*

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